

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

FILED
2020 JAN 31 PM 2:26
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

JENNIFER REED and JOSE LUIS

GARCIA TALENTINO,

Plaintiffs,

v.

YOUNG HO KIM and UN JUNG KIM,

Defendants.

Civil Action No. 3:18-cv-00819

Judge Richardson/Frensley

RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION TO ENFORCE SETTLEMENT

Young Ho Kim and Un Jung Kim ("Defendants") have not entered into a settlement agreement with Plaintiffs Jennifer Reed and Jose Luis Garcia Talentino ("Plaintiffs"). In opposition to the Plaintiffs' motion to enforce settlement, Defendants state:

1. The Plaintiffs have defamed the Defendants multiple times by protesting with megaphones at the Defendants' places of business, distributing defamatory fliers with photographs of the Defendants, harassing tenants, and calling News Channel 5.
2. The parties did not come to reasonable settlement during the February 28, 2019 settlement conference.
3. During the settlement conference, the Defendants' attorney advised Defendants to attach conditions with the settlement and pay the settlement in installments. Defendants were concerned that Plaintiffs would harass Defendants even after a settlement was reached, and conditions would act to prevent further harassment, defamation and protesting at Defendants' places of business and residence.
4. The Defendants' attorney withdrew from representation for medical reasons on March 11, 2019.

5. New representation was secured by Defendants on April 10, 2019.
6. Plaintiffs' wished to revisit settlement negotiations after Defendants' nearly concluded preparation for the Plaintiffs' first discovery request.
7. Defendants' are willing to settle but only with conditions attached to the settlement offer, as discussed with Defendants' first council.
8. Defendants' desire to recover back rent and unpaid utilities from Plaintiffs. Defendants were forced to evict Plaintiffs from their apartment complex due to failure to pay rent and electricity for the entirety of their tenancy.
9. The settlement offer communicated from Defendants' attorney did not contain any conditions and requests for unpaid back rent and unpaid utilities.
10. Communication from Defendants and Defendants' attorney regarding the settlement was done via email through a third party. Defendants did not approve the settlement without conditions attached. Due to a lack of continuity of representation due to medical conditions of first council, Defendants' wishes for conditions were not attached to the settlement offer.
11. Defendants were sick on December 20, 2019. There is a high incidence of the flu during the winter months and Defendants were potentially infectious. They do not have contempt for the Court as Plaintiffs' council suggests.
12. Because Defendants did not approve the settlement offer, this Court should not enter judgement in favor of Plaintiffs.

For these reasons, Defendants ask this Court to dismiss Plaintiffs' motion for settlement.

Date: January 30, 2020

Respectfully submitted,
Young Ho Kim
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the (pleading) _____
has been served on:

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on the 31 day of January, 2020

Signature [Signature]